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**ASSIGNMENT BOOKLET A**

LGS 3080

Legal Studies 3080: Section 1 Assignment and Section 2 Assignment

| FOR STUDENT USE ONLY | |
|---|---|
| Date Assignment Submitted: _____ | (If label is missing or incorrect) Student File Number: _____ |
| Time Spent on Assignment: _____ | Course: _____ |

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|---|
| Assigned Teacher: _____ |
| Assignment Grading: _____ |
| Graded by: _____ |
| Date Assignment Received: |

**Student's Questions and Comments**

**Apply Course Label Here**

**Name**

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*Please verify that preprinted label is for correct course.*

**Teacher's Comments**

_____

**Teacher**

# INSTRUCTIONS FOR SUBMITTING THIS DISTANCE LEARNING ASSIGNMENT BOOKLET

When you are registered for distance learning courses, you are expected to regularly submit completed assignments for correction. Try to submit each Assignment Booklet as soon as you complete it. Do not submit more than one Assignment Booklet in one subject at the same time. Before submitting your Assignment Booklet, please check the following:

- Are all the assignments completed? If not, explain why.
- Has your work been reread to ensure accuracy in spelling and details?
- Is the booklet cover filled out and the correct module label attached?

## MAILING

1. Do **not** enclose letters with your Assignment Booklets. **Send all letters in a separate envelope.**

2. Put your Assignment Booklet in an envelope and take it to the post office and have it weighed. Attach **sufficient postage** and seal the envelope.

## FAXING

1. Assignment Booklets may be faxed to the school with which you are registered. Contact your teacher for the appropriate fax number.

2. All faxing costs are the responsibility of the sender.

## E-MAILING

It may be possible to e-mail your completed Assignment Booklet to the school with which you are registered. You also may be **required** to e-mail some of your assignments. Contact your teacher for the appropriate e-mail addres

Career and Technology Studies

# LEGAL Studies 3080

## Criminal Law

## ASSIGNMENT BOOKLET A

## FOR TEACHER'S USE ONLY

### Summary

| | Total Possible Marks | Your Mark |
|---|---|---|
| Section 1 Assignment | 8 | |
| Section 2 Assignment | 34 | |
| | 42 | |

### Teacher's Comments

Legal Studies 3080
Criminal Law
Assignment Booklet A
Section 1 Assignment and Section 2 Assignment
Learning Technologies Branch
ISBN 0-7741-2823-2

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| This document is intended for | |
|---|---|
| Students | ✓ |
| Teachers | ✓ |
| Administrators | |
| Home Instructors | |
| General Public | |
| Other | |

You may find the following Internet sites useful:

- Alberta Education, **http://www.education.gov.ab.ca**
- Learning Technologies Branch, **http://www.education.gov.ab.ca/ltb**
- Learning Resources Centre, **http://www.lrc.education.gov.ab.ca**

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# ASSIGNMENT BOOKLET A
# LEGAL STUDIES 3080: CRIMINAL LAW
# SECTION 1 ASSIGNMENT AND SECTION 2 ASSIGNMENT

This Assignment Booklet is worth 42 marks out of the total 100 marks for the assignments. The value of each assignment and each question is stated in the left margin.

Read all parts of your assignment carefully and record your answers in the appropriate places. If you have difficulty with an assignment, go back to your Student Module Booklet and review the appropriate lesson. Be sure to proofread your answers carefully before submitting your Assignment Booklet.

When responding to the questions in this booklet, you are encouraged to use a computer and word-processing application wherever reasonably possible. If you use a computer, be sure that you submit a printed copy that has been carefully proofread. Include your name, course name, and assignment question number on each page. Alternatively, you may be able to arrange with your teacher to submit your written assignments by e-mail.

## Section 1 Assignment: Our Criminal Justice System

8

3

1. Put a check mark (✓) beside each of the following actions that would be considered criminal acts in Canada.

| | |
|---|---|
| Jason carelessly leaves his car parked in neutral; it rolls down the driveway and into the side of Bernie's car parked across the street. | |
| Maeve is too busy to shovel her sidewalk and Mr. Gervais slips on the ice and breaks a hip. | |
| Thomasin sells narcotics to a neighbour. | |
| Brad parks in a zone reserved for people with disabilities. | |
| Saied signs a contract to sell his house but refuses to move out on the stipulated date. | |
| Jan sells cigarettes to minors at her convenience store. | |

When you've finished answering the preceding question, return to page 20 of the LGS 3080 Student Module Booklet and continue working where you left off.

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2. Indicate whether each of the following statements is true or false by circling the letter **T** or **F**.

**T** **F** a. All crimes in Canada are laid out in the *Criminal Code*.

**T** **F** b. Alberta's *Traffic Safety Act* is an example of quasi-criminal law.

**T** **F** c. At the time of confederation, jurisdiction over criminal law in Canada was given to the federal government.

**T** **F** d. The Court of Queen's Bench was established and is maintained by the province of Alberta.

**T** **F** e. A young offender will normally be tried in the Provincial Court, Criminal Division.

**T** **F** f. A trial over a traffic violation will be held in the Provincial Court, Civil Division.

**T** **F** g. The appeal of a conviction in a serious criminal case will likely be tried in Alberta's Court of Appeal.

**T** **F** h. In a court as important as the Supreme Court of Canada, all the judges must agree before a decision is reached.

**T** **F** i. Youths accused of a crime who want to take advantage of an extrajudicial sanctions program must plead guilty to the crimes with which they're charged.

**T** **F** j. In the legal world, a precedent is a law passed by a governing body.

When you've finished answering the preceding questions, return to page 29 of the LGS 3080 Student Module Booklet and continue working where you left off.

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## Section 2 Assignment: The Crime, the Arrest, and Pre-trial Procedures

1. Read the following case and answer the questions based on it.

In the case of *R. v. Richard and Walker* (1981), both accuseds were charged with possession of a prohibited weapon under Sections 84 to 90 of the *Criminal Code*. Section 84(1)(b) includes as a prohibited weapon "any knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure . . . ." Each accused possessed a buck knife, which has a length of steel along the back of the handle that functions like a spring to keep the blade out in use and tucked inside the handle when collapsed. Evidence was presented that though the knife was designed to be opened by pulling the blade, over time the strip of metal can weaken, allowing the knife to be opened with a flick of the wrist.

The arresting officer showed the court that this could be done with both of the accuseds' knives. In their defence, the accused men claimed that they had been unaware that this could be done. The trial judge found them guilty of possessing a prohibited weapon, so they appealed to the Court of Appeal and were acquitted. The appeal judge found that both accused lacked the necessary *mens rea* for this offence.

2 a. Explain *mens rea* and how it applies to a criminal offence.

_____

_____

_____

_____

_____

_____

2 b. Explain *actus reus* and how it applies to a criminal case.

_____

_____

_____

_____

_____

_____

(2) c. Why would the trial judge have likely convicted Richard and Walker? Explain your answer in terms of *mens rea* and/or *actus reus*.

_____

_____

_____

_____

_____

(2) d. Explain why the appeal court judge would have overturned the trial court's verdict.

_____

_____

_____

_____

(3) 2. Match the types of *mens rea* on the left with the explanations on the right by putting the Roman numerals from the right-hand column in the appropriate spaces.

a. _____ general intent

b. _____ specific intent

c. _____ recklessness

d. _____ strict liability

e. _____ absolute liability

f. _____ willful blindness

i. There must be proof of intent beyond an inferred intent to commit the act.

ii. Proof of the act is all that's needed, but due diligence can be a defence.

iii. Proof of the act is all that's needed and no defence is admitted.

iv. Proof that the accused ignored the likely results of the act is necessary.

v. *Mens rea* is inferred from the fact that the accused consciously did the act.

vi. *Mens rea* is established if it's shown that the accused deliberately failed to ask questions knowing they should be asked.

When you've finished answering the preceding questions, return to page 49 of the LGS 3080 Student Module Booklet and continue working where you left off.

(3) 3. In the chart that follows put check marks (✓) in the right-hand column to indicate the situations in which a police officer can make an arrest without a warrant.

| Situations | Legality |
|---|---|
| The officer reasonably believes someone has just committed an indictable offence. | |
| The officer reasonably believes someone is about to commit a summary conviction offence. | |
| The officer reasonably believes someone is committing an indictable offence. | |
| The officer reasonably believes someone is about to commit an indictable offence. | |
| The officer reasonably believes someone has just committed a summary conviction offence. | |
| The officer reasonably believes someone is committing a summary conviction offence. | |

4. Katrin, a normally mild-mannered kindergarten teacher, notices a suspicious-looking individual bending down near her neighbour's basement window. Knowing her neighbours are away, and being fed up with the rash of burglaries in the area, Katrin decides that enough is enough; she'll stop this crime before it even gets started. Hoping her karate lessons will stand her in good stead if things get nasty, Katrin rushes into her neighbour's yard, accosts the stranger, and tells him he's under arrest and that she's taking him to the police station.

(2) a. Is Katrin acting within her legal rights? Explain why or why not.

_____

_____

_____

(2) b. If Katrin succeeds in arresting the man and taking him to the police and it turns out he's the gas-meter reader doing his job, could Katrin be in legal trouble of her own? Explain your answer.

_____

_____

_____

(1) c. If Katrin encountered the man actually breaking into her own basement window, could she legally arrest him? Explain.

_____

_____

_____

(1) d. If Katrin encountered a suspect being pursued by the police, could she legally arrest him or her? Explain.

_____

_____

_____

When you've finished answering the preceding questions, return to page 57 of the LGS 3080 Student Module Booklet and continue working where you left off.

(3) 5. In the chart that follows, put a check mark (✓) in the right-hand column beside each situation in which the police have acted legally.

| | |
|---|---|
| The police see a scruffy-looking young man on the street. They stop to question him, and, finding him rude and unco-operative, they frisk him for drugs, weapons, or stolen property. | |
| An officer obtains a warrant to search a home for illegal drugs. While in the residence, the officer decides to look in drawers and closets for stolen property as well. | |
| When a homeowner refuses the police entry into her home because the date on the search warrant is wrong, the police, knowing that any evidence will be destroyed if they wait any longer, force their way in. | |
| Having good reason to believe that illegal alcohol is being produced on a premises, the police, wanting to seize a batch before it's shipped out later that day, search a detached garage without a warrant. | |
| While searching a home for illegal drugs with a warrant, the police decide to search a resident of the home whom they have good reason to suspect is carrying illegal drugs, but whom they haven't arrested. | |
| The police stop a car being driven down the wrong side of the road. When the driver rolls down the window, the officer smells strong alcohol fumes. He searches the car for illegal alcohol. | |

(2) 6. Forrest is stopped by the police while driving his motorcycle. After questioning him, the officer says "You're under arrest." "Oh no I'm not!" replies Forrest, gunning his motorcycle and roaring off. Is Forrest under arrest? Explain your answer fully.

(5) 7. José, recently made a Canadian citizen and still unable to understand English very well, was arrested for shoplifting. The arresting officer quickly recited his rights to him and asked him if he understood. José, intimidated by the officer and the Canadian justice system he didn't yet understand, nodded and smiled, trying not to antagonize the officer. When the officer began questioning him, he did his best in his broken English to understand and respond.

Have José's rights been violated, or has the police officer done all that's necessary? In your answer be sure to explain just what rights a person has upon arrest.

When you've finished answering the preceding questions, return to page 68 of the LGS 3080 Student Module Booklet and continue working where you left off.

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8. Fill in the blanks in the following sentences.

a. A criminal offence that the Crown can decide to treat by way of indictment or by way of summary conviction is called a(n) _____ offence.

b. If, for a minor offence, a police officer writes out and gives you a notice on the spot telling you to appear in court, you've been given a(n) _____

c. A justice of the peace issues a warrant after a police officer swears, or lays, a(n) _____.

d. A person arrested or detained and held in custody without being brought before a judge may apply for a writ of _____ to remedy this situation.

e. A lawyer available at the police station or on duty at the court to advise people who have been arrested or are making their first court appearance is called a _____.

f. The mandatory process whereby an accused meets with the Crown prosecutor prior to a trial by judge and jury to ensure that the accused understands the case being made against him or her is known as _____.

g. If an accused agrees with the Crown to plead guilty to a lesser offence than the one originally charged, _____ has gone on.

h. The document, part of Canada's constitution, that guarantees Canadians certain legal rights is the _____.

When you've finished answering the preceding questions, submit this Assignment Booklet for assessment. Then return to page 78 of the LGS 3080 Student Module Booklet and continue working where you left off.

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